IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.64974-M of 2006
Date of Decision:- 26.11.2007

Tara Singh ....Petitioner(s)

through
Mr.D.S.Gurna, Advocate.

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.
Mr.Rishi Kaushal, Advocate for No.5.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.121 dated 4.4.2006 under Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station, Dera Bassi, District Patiala.

The above-stated relief has been sought by the petitioner on various grounds including the one that respondent No.5-the complainant is owner of two big agricultural farms and is a very influential person. It has been alleged that respondent No.5 had encroached upon the adjoining land of the petitioner's father and had planted some eucalyptus trees due to which the father of the petitioner had filed a civil suit regarding demarcation etc. It is further alleged that in order to arm twist the petitioner and his father the impugned F.I.R. was got registered by respondent No.5 even though no abusing words, which may constitute the offence under the Act, were ever

uttered by the petitioner.

Learned State counsel, however, has pointed out that during the pendency of this petition, the challan was presented and after framing of charges, the prosecution evidence is being led.

Having regard to the above-stated stage of the trial, it does not appear expedient to express any views on the merits of the case.

Consequently, this petition is disposed of with liberty to the petitioner to raise his contention before the learned Special Court and the same shall be considered in accordance with law. The petitioner shall also be at liberty to move the trial Court to grant him exemption from personal appearance as and when required and if any such application is moved by him, the learned Special Court shall consider and dispose of the same sympathetically and in accordance with law, however, subject to the following further conditions that the petitioner (i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute his identity as an accused; (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel; (v) shall appear before the learned trial Court as and when directed by the learned trial Court; and (vi) any other condition which the learned trial Court may impose.

November 26, 2007 **(SURYA KANT)**
poonam **JUDGE**